

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHANG SHUN LI, Individually and on:  
Behalf of All Other Persons Similarly Situated, :  
Plaintiffs, : **Case No. 15-cv-6886(AJN)(JCF)**  
: :  
-against- :  
: :  
ARATA IZUMI JAPANESE RESTAURANT, :  
INC. d/b/a Izumi Sushi; 28 ST IZUMI JAPANESE :  
RESTAURANT LLC d/b/a Izumi Sushi; IZUMI :  
JAPANESE RESTAURANT, INC. d/b/a Izumi :  
Sushi; WEN DI LIU; JANE DOE and :  
MIN YUAN ZHENG :  
: :  
Defendants. :  
: :  
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**PLAINTIFF CHANG SHUN LI'S MEMORANDUM IN SUPPORT OF**  
**HIS MOTION TO COMPEL DISCOVERY**

Pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure, Plaintiff Chang Shu Li (“Plaintiff”), through his undersigned counsel, hereby moves this Court to compel Arata Izumi Japanese Restaurant, Inc. d/b/a Izumi Sushi; 28 St. Izumi Japanese Restaurant LLC d/b/a Izumi Sushi; Izumi Japanese Restaurant, Inc. d/b/a Izumi Sushi; Wen Di Liu; Jane Doe and Min Yuan Zheng (collectively called “Defendants”) to produce their automatic initial disclosures, answers to Plaintiff’s First Set of Interrogatories, as well as respond to Plaintiff’s First Request for Production of Documents. Plaintiff Li also asks that the Court order Defendants to pay the attorney fees and costs of bringing this motion.

Counsel for Plaintiff certifies that, pursuant to Rule 37(a)(2)(B), Fed. R. Civ. P., it has requested the information multiple times and tried to confer in good faith with Defendant in an effort to secure the requested information and documents without court action, but has thus far

been unsuccessful. Plaintiff produced Initial Disclosures, and sent out First Set of Interrogatories, Plaintiff's First Request for Documents, and notices of depositions on April 9, 2016, with a reminder that responses were due May 9, 2016. The Notices of Depositions were marked for May 17, 2016. Initial Disclosures were never provided by Defendants pursuant to Rule 26. When answers to Plaintiff's discovery demands were never provided, the depositions were canceled. On June 8, 2016, two days after the Court granted Plaintiff's unopposed Motion for Conditional Certification of Collective, Defendants' Counsel wrote to Plaintiffs about settlement. Plaintiff sent Defendant counsel a "No Objection Letter" on June 10, 2016. On June 14, 2016, Plaintiff's replied to Defendants' Counsel request for settlement by replying that it would be better to discuss discovery after the opt-in period to the conditional certification expires and/or paper discovery is completed. After yet again receiving no reply, Plaintiff's Counsel reached out to Mr. Graham on June 17, 2016 and listed all of Defendant's missing discovery, and asked to confer with Mr. Graham about discovery, or else Plaintiff's would be forced to resort to the Court.

As of today, Plaintiff has yet to receive any sort of response, acknowledgement, or discovery from Mr. Graham. Plaintiffs are therefore motioning to the court to compel Mr. Graham to produce answers and documentation pursuant to Plaintiff's requests, and to produce their initial disclosures.

Plaintiff also hereby moves this Court to order Defendant to pay Plaintiff the attorneys' fees and costs of bringing this Motion pursuant to Federal Rule of Civil Procedure 37(a)(4).

Respectfully submitted,

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*Attorneys for Plaintiff*

VIA ECF

cc: Warren R. Graham, Esq  
*Attorneys for Arata Izumi Japanese  
Restaurant, Inc., d/b/a Izumi Sushi;  
28 St Izumi Japanese Restaurant  
LLC, d/b/a Izumi Sushi; Wen Di Liu;  
and Jane Doe*

**CERTIFICATE OF**  
**SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of June, 2016, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

By: s/ John Troy  
Attorney for Plaintiff